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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/758,430	01/14/2004	Rahul Gupta	2003P12965US	5656

7590 11/15/2004

Siemens Corporation
Attn: Elsa Keller, Legal Administrator
Intellectual Property Department
170 Wood Avenue South
Iselin, NJ 08830

EXAMINER

LEE, CALVIN

ART UNIT	PAPER NUMBER
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2825

DATE MAILED: 11/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/758,430	Applicant(s) GUPTA et al.	
	Examiner Lee, Calvin	Art Unit 2825	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

OFFICE ACTION

Drawings

1. Figures 1-4 should be designated by a legend such as --Prior Art-- because only that which are old are illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application.

Claim Objections

2. Claims are objected to because of the following informalities:

Claim 1, line 1, replace "a organic light emitting diode" with --an organic light emitting diode--

Claim 3, line 3, replace "polymer layer which aid" with --polymer layer which aids--

Claim 3, line 5, replace "a emitting polymer" with --an emitting polymer--

Claim 13, line 3, replace "polymer, said" with --polymer substance, said--

Claim 13, line 4, replace "polymer layer an" with --polymer layer being an--

Claim 13, line 6, replace "disposed upon" with --disposed under--

Claim Rejections - 35 U.S.C. § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. Claims 1-14 are rejected under 35 U.S.C. 102(e) as being anticipated by *Chao et al* (US 6,517,996) or *Humbs et al* (US 6,774,392).

Chao et al discloses a method of fabricating an organic electronic device, comprising of:

-patterning an ITO electrode layer **404** upon a substrate **400** [Fig. 4B];

-fabricating upon the electrode layer a photo-resist layer **408** having a height between 1 to 10 microns [col. 7] and being patterned into banks to define pockets upon the electrode layer, wherein each pocket defining the active region of each of pixels; and

-depositing into each pocket at least one liquid substance, which is allowed to dry into polymer layers **414**, **416**, **418**, **420**, and **428** [Fig. 4D and col. 8] composed of organic materials;

-patterning an upper electrode layer **432** above the polymer layers [Fig. 4F]

Humbs et al discloses a method of fabricating an organic electronic device, comprising of

-patterning an anode layer **2** upon a substrate **1** [Fig. 4A];

-fabricating upon layer **2** a photo-resist layer **3** having a height between 0.1 to 0.5 microns [col. 4] and being patterned into banks to define pockets **31** upon the layer, wherein each pocket defining the active region of each of the conventional pixels; and

- depositing into each pocket at least one liquid substance [col. 6, ln.8], which is allowed to dry into polymer layers 5 and 6 composed of organic materials [col. 2, ln.9];
- patterning an upper electrode layer 10 above the polymer layers

Claim Rejections - 35 U.S.C. § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made

5. Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Applicant's Prior Art (APA)*.

APA discloses a method of fabricating an organic electronic device, comprising the steps:

- patterning a lower conducting layer 360 upon a substrate 370;
- fabricating upon the lower electrode layer a photo-resist layer 340 patterned into banks to define pockets 390 upon the lower electrode layer, wherein each pocket defining the active region of each of the conventional pixels; and
- depositing into each pocket one liquid substance, which is allowed to dry into layers 330, 334, 324, and 314 (being flat and substantially uniform profile) composed of organic materials.

The examiner notes that since the prior art discloses a range (between 3 to 10 μm) [page 7, line 12] reasonably similar or close to the claimed range (not more than three microns), a prima facie obviousness is established due to the expectation of similar results for similar ranges. In re *Titanium Metals Corp. of America v. Banner*, 778 F.2d 227 USPQ 773, 779 (Fed. Cir. 1985).

Any inquiry concerning this communication from the Examiner should be directed to *Calvin Lee* at (571) 272-1896 from 7:00 to 17:00 (Monday-Thursday, Eastern Time). If attempts to reach the examiner by telephone are unsuccessful, Art Unit 2825's Supervisory Patent Examiner *Matthew Smith* can be reached at (571) 272-1907.

Any inquiry relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0596. The central fax number is (703) 872-9306 for all communications to be entered (e.g., amendments, remarks, IDS, etc.)

CL

November 10, 2004

C. Ruesha
CARIDAD EVERETT
PRIMARY EXAMINER